

**REMARKS**

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 8-12, and the Abstract, are amended. Claims 13-16 are added. Claims 13-16 introduce no new matter as they are supported at least by the original claims as filed, the depictions in Figs. 1 and 2 and the descriptions at page 5, lines 1 and 16, and page 6 lines 1 and 2.

Reconsideration based on the above amendments and the following remarks is respectfully requested.

The Office Action implies that the Abstract is not in the correct format. The Abstract is amended accordingly.

The Office Action, in paragraph 2, objects to claims 8 and 10 for certain informalities. Claims 8 and 10 are amended to obviate the objections. Withdrawal of the objections to claims 8 and 10 are respectfully requested.

The Office Action, in paragraph 4, rejects claims 1-7 and 10-12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,142,343 to Trafton. This rejection is respectfully traversed.

Trafton discloses a maintenance-free anodized aluminum post having longitudinal grooves therein for mating with complementary brackets, the post being hollow and having a constant wall thickness (Abstract). Specifically, Trafton discloses a post apparatus comprising a post (28) with longitudinal grooves (4) wherein the grooves do not communicate with an inside of the post (see e.g., Figs. 1, 3 and 7).

Claim 1 recites, among other features, a tubular element having at least one slot communicating with an inside of the tubular element. Applicants respectfully submit that Trafton does not disclose such a feature wherein the grooves communicate with an inside of the post, and as such, Trafton therefore cannot anticipate, nor reasonably be read to have suggested, this feature.

Further, while dependent claims 2-7, 10 and 12 present separately allowable subject matter, these claims also include all of the features recited in independent claim 1 from which they depend. As such, Applicants respectfully submit that all of the features of dependent claims 2-7, 10 and 12 are neither taught nor would they have been suggested by Trafton at least for the respective dependence of these claims on independent claim 1.

With regard to independent claim 11 and new independent claim 14, Applicants respectfully submit that Trafton neither teaches nor suggests a fixing element comprising a face for pressing against one side of a panel and comprising stiffening ribs.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 and 10-12 under 35 U.S.C. §102(b) as being anticipated by Trafton are respectfully requested.

The Office Action, in paragraph 6, rejects claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Trafton in view of French Patent No. FR 2 712 043 to Ateliers Reunis Caddie (hereinafter "the '043 patent"). This rejection is respectfully traversed.

The Office Action recognizes that Trafton fails to disclose an assembly wherein one of the fixing elements includes a setback suitable for receiving a nut or the head of a screw, the depth of the setback ensuring that the nut or the head of the screw is received completely therein. The Office Action references the teaching of the '043 patent for this feature.

Applicants respectfully submit that, because claims 8 and 9 depend indirectly from claim 1, all of the features recited in claims 8 and 9, as well as claim 13 in which this specific feature is recited, are neither taught nor suggested by the combination of the applied references at least for the dependence of claims 8, 9 and 13 on independent claim 1. The '043 patent does not overcome the shortfall in the application of Trafton with respect to independent claim 1.

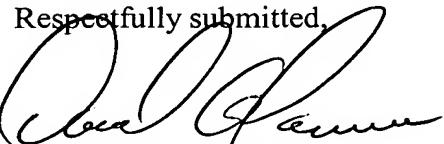
Accordingly, reconsideration and withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over the combination of the applied references are respectfully requested.

New claim 15 recites, among other features, at least one of the fixing elements comprising two fixing tabs both for engaging in at least one slot of the tubular element. Trafton discloses as a bracket (40) with an arcuate portion (42) and a cavity (45) (col. 4, lines 48-51). These elements 40 and 42 are alleged to correspond to "fixing tabs." The arcuate portion (42) is engaged in a groove of the post (28) while the cavity (45) is not engaged in the groove of the post (28) (see e.g., Fig. 7). Applicants respectfully submit, therefore, that Trafton does not disclose, nor would have Trafton suggested, a fixing element having two fixing tabs both for engaging in at least one slot of a tubular element. As such, Applicants respectfully submit that Trafton does not anticipate all of the features recited in claim 15.

New claim 16 recites, among other features, a tubular element being circularly cylindrical. Applicants respectfully submit, with reference to Fig. 7 of Trafton, the post (28) has a complex shape and as such Trafton does not disclose, nor would it have suggested, a tubular element being circularly cylindrical. Thus, Applicants respectfully submit that Trafton does not anticipate all of the features recited in claim 16.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,  
  
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WPB:DAT/djb

Attachment:  
Amended Abstract

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